

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

JOVON WINSTON COLLEY,

Petitioner,

v.

WARDEN OF THE GOLDEN STATE
ANNEX DETENTION FACILITY, *et al.*,

Respondents.

No. 1:25-cv-00082-CDB (HC)

ORDER DIRECTING RESPONDENTS TO
EFFECT SERVICE ON PETITIONER OF
MOTION TO DISMISS

ORDER DIRECTING RESPONDENTS
TO FILE STATUS REPORT

(Docs. 11, 12)

10-DAY DEADLINE

Petitioner Jovon Winston Colley (“Petitioner”), a federal detainee, proceeds pro se and *in forma pauperis* with a petition for writ of habeas corpus filed under 28 U.S.C. § 2241 on January 17, 2025. (Doc. 1). According to his pleadings, Petitioner is in custody of the Immigration and Customs Enforcement (“ICE”) at the Golden State Annex, located in McFarland, California. (*Id.*).

Following a preliminary review of the petition and finding that it is not clear from the face of the petition whether Petitioner is entitled to relief, on January 24, 2025, the Court ordered Respondents to file a response to Petitioner’s petition within 60 days of the date of service of the order. (Doc. 7). Respondents timely filed a motion to dismiss the petition on March 25, 2025. (Doc. 9).

In a filing dated April 2, 2025, and docketed by the Clerk of the Court on April 7, 2025,

1 Petitioner complained that he had not received a response from Respondents nor this Court
2 regarding his pending habeas petition. (Doc. 10). The Court responded with an order summarizing
3 the procedural posture noted above and provided that “[g]iven the procedural chronology of the
4 relevant filings, the Court expects Petitioner in all likelihood has received service of Respondents’
5 motion to dismiss by the time he receives service of this order.” (Doc. 11, the “April 10 Order”).
6 The Court ordered that “[i]n the event Petitioner has not received service of a copy of Respondents’
7 motion to dismiss by the time he receives service of this order, Petitioner may file a status report
8 with the Court explaining the circumstances regarding the failure to receive a copy of the motion.”
9 (*Id.*). Additionally, presuming Petitioner received Respondents’ motion to dismiss, the Court
10 extended Petitioner’s time to file an opposition to Respondents’ motion to dismiss by 21 days from
11 the date of service of the order. (*Id.*).

12 Pending before the Court is Petitioner’s status report, dated April 15, 2025, and docketed
13 by the Clerk of the Court on April 21, 2025. (Doc. 12). Petitioner represents that he received the
14 Court’s April 10 Order but that he has “still not received a response from the Respondents.” (*Id.*
15 at 1). He represents that he is “still at Golden State Annex Facility as [he has] been for the past
16 [ten] months.” (*Id.*). He represents that he cannot respond to any response he did not receive. (*Id.*
17 at 2).

18 It is unclear how or why Petitioner has received the undersigned’s recent orders but
19 reportedly not received Respondents’ motion to dismiss, which an employee of the U.S. Attorney’s
20 Office certifies was mailed to Petitioner’s address of record on March 25, 2025. (Doc. 9 at 9).

21 The Court will direct Respondents to effect service upon Petitioner of their motion to
22 dismiss (Doc. 9) and to promptly file proof of service thereof. Further, in light of the circumstances
23 set forth above, the Court will direct Respondents to undertake reasonable and good faith efforts to
24 investigate whether, prior to the date of this order, Respondents’ motion was received by the facility
25 housing Petitioner. In their report, Respondents shall attest to what efforts they undertook to
26 discover the location of the service copy of Respondents’ motion to dismiss and the results of their
27 investigation.

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Conclusion and Order

Accordingly, IT IS HEREBY ORDERED that, within ten (10) days of entry of this order:

1. Respondents shall serve a copy of their motion to dismiss (Doc. 9) on Petitioner and promptly file proof of service thereof; and
 2. Respondents shall (1) undertake reasonable and good faith efforts to investigate whether, prior to the date of this order, Respondents' motion to dismiss was received by the facility housing Petitioner, and (2) file a status report attesting to the efforts they undertook to discover the location of the service copy of Respondents' motion to dismiss and the results of their investigation.

Within 30 days from the date of Respondents' service of the motion to dismiss, Petitioner shall file his opposition thereto.

IT IS SO ORDERED.

Dated: April 23, 2025



UNITED STATES MAGISTRATE JUDGE